

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 584

Introduced by Assembly Member Huber

February 25, 2009

~~An act to amend Section 26708 of the Vehicle Code, relating to vehicles. An act to add Chapter 8.1 (commencing with Section 1966) to Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 584, as amended, Huber. ~~Vehicles: windshield or side window view; emergency vehicles. Neighborhood electric vehicles.~~

Existing law defines "low-speed vehicle" for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway is an infraction punishable by a fine not exceeding

\$100. Existing law authorizes, until January 1, 2012, the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle transportation plan and authorizes, until January 1, 2013, the County of Orange to establish a neighborhood electric vehicle transportation plan for the Ranch Plan Planned Community in that county. A person operating a neighborhood electric vehicle in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill would authorize the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City, jointly or individually, to establish a similar neighborhood electric vehicle plan, and would make a person in violation of certain provisions subject to the same penalties. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law prohibits any person, except as specified, from driving any motor vehicle with any object or material placed, displayed, installed, affixed, or applied in or upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side windows.~~

~~This bill would exempt from these provisions emergency vehicles, as defined, if the object or material does not interfere with the driver's clear view of approaching traffic.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Chapter 8.1 (commencing with Section 1966) is*
- 2 *added to Division 2.5 of the Streets and Highways Code, to read:*

1 *CHAPTER 8.1. NEIGHBORHOOD ELECTRIC VEHICLE*
2 *TRANSPORTATION PLAN FOR THE COUNTY OF AMADOR AND THE*
3 *CITIES OF JACKSON, SUTTER CREEK, AND AMADOR CITY*
4

5 1966. It is the intent of the Legislature, in enacting this chapter,
6 to authorize the County of Amador and the Cities of Jackson, Sutter
7 Creek, and Amador City to establish a neighborhood electric
8 vehicle (NEV) transportation plan. The purpose of this NEV
9 transportation plan is to further the vision of creating a sustainable
10 development that reduces gasoline demand and vehicle emissions
11 by offering a cleaner, more economical means of local
12 transportation within the plan area. It is the further intent of the
13 Legislature that this NEV transportation plan be designed and
14 developed to best serve the functional travel needs of the plan
15 area, to have the physical safety of the NEV driver's person and
16 property as a major planning component, and to have the capacity
17 to accommodate NEV drivers of every legal age and range of skills.

18 1966.1. The following definitions apply to this chapter:

19 (a) "Plan area" means any portion of the unincorporated area
20 of the County of Amador, and of the Cities of Jackson, Sutter Creek,
21 and Amador City, and any streets and roads under the jurisdiction
22 of any of those entities, to the extent the entity has adopted a NEV
23 transportation plan pursuant to Section 1966.2, including the
24 privately owned land of any owner that consents to its inclusion
25 in the plan.

26 (b) "Neighborhood electric vehicle" or "NEV" means a
27 low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

28 (c) "NEV lanes" means all publicly or privately owned facilities
29 that provide for NEV travel including roadways designated by
30 signs or permanent markings which are shared with pedestrians,
31 bicyclists, and other motorists in the plan area.

32 1966.2. (a) The County of Amador, and the Cities of Jackson,
33 Sutter Creek, and Amador City, jointly, or any of these entities
34 individually, may, by ordinance or resolution, adopt a NEV
35 transportation plan for the plan area.

36 (b) The transportation plan shall have received a prior review
37 and the comments of the Amador County Transportation
38 Commission and any agency having traffic law enforcement
39 responsibilities in an entity adopting a plan.

1 (c) *The transportation plan may include the use of a state*
2 *highway, or any crossing of the highway, subject to the approval*
3 *of the Department of Transportation.*

4 1966.3. *The transportation plan shall include, but need not be*
5 *not limited to, all of the following elements:*

6 (a) *Route selection, which includes a finding that the route will*
7 *accommodate NEVs without an adverse impact upon traffic safety,*
8 *and will consider, among other things, the travel needs of*
9 *commuters and other users.*

10 (b) *Transportation interfacing, which shall include, but not be*
11 *limited to, coordination with other modes of transportation so that*
12 *a NEV driver may employ multiple modes of transportation in*
13 *reaching a destination in the plan area.*

14 (c) *Provision for NEV-related facilities, including, but not*
15 *limited to, special access points, special NEV turnouts, and NEV*
16 *crossings.*

17 (d) *Provisions for parking facilities at destination locations,*
18 *including, but not limited to, community commercial centers, golf*
19 *courses, public areas, and parks.*

20 (e) *Provisions for special paving, road markings, signage, and*
21 *striping for NEV travel lanes, road crossings, parking, and*
22 *circulation, as appropriate.*

23 (f) *Provisions for NEV electrical charging stations.*

24 (g) *NEV lanes for the purposes of the transportation plan shall*
25 *be classified as follows:*

26 (1) *Class I NEV routes provide for a completely separate*
27 *right-of-way for the use of NEVs.*

28 (2) *Class II NEV routes provide for a separate striped lane*
29 *adjacent to roadways with speed limits of 55 miles per hour or*
30 *less.*

31 (3) *Class III NEV routes provide for shared use by NEVs with*
32 *conventional vehicle traffic on streets with speed limits of 55 miles*
33 *per hour or less.*

34 1966.4. *If an entity adopts a NEV transportation plan for the*
35 *plan area pursuant to Section 1966.2, it shall do both of the*
36 *following:*

37 (a) *Establish minimum general design criteria for the*
38 *development, planning, and construction of separated NEV lanes,*
39 *including, but not limited to, the design speed of the facility, the*

1 *space requirements of the NEV, and roadway design criteria, if*
2 *the plan envisions separated NEV lanes.*

3 *(b) In cooperation with the department, establish uniform*
4 *specifications and symbols for signs, markers, and traffic control*
5 *devices to control NEV traffic; to warn of dangerous conditions,*
6 *obstacles, or hazards; to designate the right-of-way as between*
7 *NEVs, other vehicles, and bicycles, as may be applicable; to state*
8 *the nature and destination of the NEV lane; and to warn*
9 *pedestrians, bicyclists, and motorists of the presence of NEV traffic.*

10 *1966.5. If an entity adopts a NEV transportation plan for the*
11 *plan area pursuant to Section 1966.2, it shall also adopt all of the*
12 *following as part of the plan:*

13 *(a) NEVs eligible to use NEV lanes shall meet the safety*
14 *requirements for low-speed vehicles as set forth in Section 571.500*
15 *of Title 49 of the Code of Federal Regulations.*

16 *(b) Minimum safety criteria for NEV operators, including, but*
17 *not limited to, requirements relating to NEV maintenance and NEV*
18 *safety. Operators shall be required to possess a valid California*
19 *driver's license and to comply with the financial responsibility*
20 *requirements established pursuant to Chapter 1 (commencing with*
21 *Section 16000) of Division 7 of the Vehicle Code.*

22 *(c) (1) Restrictions limiting the operation of NEVs to NEV*
23 *routes identified in the transportation plan, and allowing only*
24 *those NEVs that meet the safety equipment requirements specified*
25 *in the plan to be operated on those routes.*

26 *(2) Any person operating a NEV in the plan area in violation*
27 *of this subdivision is guilty of an infraction punishable by a fine*
28 *not exceeding one hundred dollars (\$100).*

29 *SEC. 2. Section 21251 of the Vehicle Code is amended to read:*

30 *21251. Except as provided in Chapter 7 (commencing with*
31 *Section 1963) and, Chapter 8 (commencing with Section 1965),*
32 *and Chapter 8.1 (commencing with Section 1966) of Division 2.5*
33 *of the Streets and Highways Code, and Sections 4023, 21115, and*
34 *21115.1, a low-speed vehicle is subject to all the provisions*
35 *applicable to a motor vehicle, and the driver of a low-speed vehicle*
36 *is subject to all the provisions applicable to the driver of a motor*
37 *vehicle or other vehicle, when applicable, by this code or another*
38 *code, with the exception of those provisions that, by their very*
39 *nature, can have no application.*

40 *SEC. 3. Section 21260 of the Vehicle Code is amended to read:*

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963) ~~or, Chapter 8 (commencing with Section 1965), or Chapter 8.1 (commencing with Section 1966)~~ of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. Section 26708 of the Vehicle Code is amended to read:~~

~~26708. (a) (1) A person shall not drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows.~~

~~(2) A person shall not drive any motor vehicle with any object or material placed, displayed, installed, affixed, or applied in or upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side windows.~~

~~(3) This subdivision applies to a person driving a motor vehicle with the driver's clear vision through the windshield, or side or rear windows, obstructed by snow or ice.~~

~~(b) This section does not apply to any of the following:~~

1 ~~(1) Rearview mirrors.~~

2 ~~(2) Adjustable nontransparent sunvisors that are mounted~~
3 ~~forward of the side windows and are not attached to the glass.~~

4 ~~(3) Signs, stickers, or other materials that are displayed in a~~
5 ~~7-inch square in the lower corner of the windshield farthest~~
6 ~~removed from the driver, signs, stickers, or other materials that~~
7 ~~are displayed in a 7-inch square in the lower corner of the rear~~
8 ~~window farthest removed from the driver, or signs, stickers, or~~
9 ~~other materials that are displayed in a 5-inch square in the lower~~
10 ~~corner of the windshield nearest the driver.~~

11 ~~(4) Side windows that are to the rear of the driver.~~

12 ~~(5) Direction, destination, or termini signs upon a passenger~~
13 ~~common carrier motor vehicle or a schoolbus, if those signs do~~
14 ~~not interfere with the driver's clear view of approaching traffic.~~

15 ~~(6) Rear window wiper motor.~~

16 ~~(7) Rear trunk lid handle or hinges.~~

17 ~~(8) The rear window or windows, if the motor vehicle is~~
18 ~~equipped with outside mirrors on both the left and right-hand~~
19 ~~sides of the vehicle that are so located as to reflect to the driver a~~
20 ~~view of the highway through each mirror for a distance of at least~~
21 ~~200 feet to the rear of the vehicle.~~

22 ~~(9) A clear, transparent lens affixed to the side window opposite~~
23 ~~the driver on a vehicle greater than 80 inches in width and that~~
24 ~~occupies an area not exceeding 50 square inches of the lowest~~
25 ~~corner toward the rear of that window and that provides the driver~~
26 ~~with a wide-angle view through the lens.~~

27 ~~(10) Sun screening devices meeting the requirements of Section~~
28 ~~26708.2 installed on the side windows on either side of the~~
29 ~~vehicle's front seat, if the driver or a passenger in the front seat~~
30 ~~has in his or her possession a letter or other document signed by~~
31 ~~a licensed physician and surgeon certifying that the person must~~
32 ~~be shaded from the sun due to a medical condition, or has in his~~
33 ~~or her possession a letter or other document signed by a licensed~~
34 ~~optometrist certifying that the person must be shaded from the sun~~
35 ~~due to a visual condition. The devices authorized by this paragraph~~
36 ~~shall not be used during darkness.~~

37 ~~(11) An electronic communication device affixed to the center~~
38 ~~uppermost portion of the interior of a windshield within an area~~
39 ~~that is not greater than 5 inches square, if the device provides either~~
40 ~~of the following:~~

1 (A) ~~The capability for enforcement facilities of the Department~~
2 ~~of the California Highway Patrol to communicate with a vehicle~~
3 ~~equipped with the device.~~

4 (B) ~~The capability for electronic toll and traffic management~~
5 ~~on public or private roads or facilities.~~

6 (12) ~~A portable Global Positioning System (GPS), which may~~
7 ~~be mounted in a 7-inch square in the lower corner of the windshield~~
8 ~~farthest removed from the driver or in a 5-inch square in the lower~~
9 ~~corner of the windshield nearest to the driver, if the system is used~~
10 ~~only for door-to-door navigation while the motor vehicle is being~~
11 ~~operated and outside of an airbag deployment zone.~~

12 (13) ~~Emergency vehicles as defined in Section 165, if the object~~
13 ~~or material does not interfere with the driver's clear view of~~
14 ~~approaching traffic.~~

15 (e) ~~Notwithstanding subdivision (a), transparent material may~~
16 ~~be installed, affixed, or applied to the topmost portion of the~~
17 ~~windshield if the following conditions apply:~~

18 (1) ~~The bottom edge of the material is at least 29 inches above~~
19 ~~the undepressed driver's seat when measured from a point 5 inches~~
20 ~~in front of the bottom of the backrest with the driver's seat in its~~
21 ~~rearmost and lowermost position with the vehicle on a level~~
22 ~~surface.~~

23 (2) ~~The material is not red or amber in color.~~

24 (3) ~~There is no opaque lettering on the material and any other~~
25 ~~lettering does not affect primary colors or distort vision through~~
26 ~~the windshield.~~

27 (4) ~~The material does not reflect sunlight or headlight glare into~~
28 ~~the eyes of occupants of oncoming or following vehicles to any~~
29 ~~greater extent than the windshield without the material.~~

30 (d) ~~Notwithstanding subdivision (a), clear, colorless, and~~
31 ~~transparent material may be installed, affixed, or applied to the~~
32 ~~front side windows, located to the immediate left and right of the~~
33 ~~front seat if the following conditions are met:~~

34 (1) ~~The material has a minimum visible light transmittance of~~
35 ~~88 percent.~~

36 (2) ~~The window glazing with the material applied meets all~~
37 ~~requirements of Federal Motor Vehicle Safety Standard No. 205~~
38 ~~(49 C.F.R. 571.205), including the specified minimum light~~
39 ~~transmittance of 70 percent and the abrasion resistance of AS-14~~
40 ~~glazing, as specified in that federal standard.~~

1 ~~(3) The material is designed and manufactured to enhance the~~
2 ~~ability of the existing window glass to block the sun's harmful~~
3 ~~ultraviolet A rays.~~

4 ~~(4) The driver has in his or her possession, or within the vehicle,~~
5 ~~a certificate signed by the installing company certifying that the~~
6 ~~windows with the material installed meet the requirements of this~~
7 ~~subdivision and identifies the installing company and the material's~~
8 ~~manufacturer by full name and street address, or, if the material~~
9 ~~was installed by the vehicle owner, a certificate signed by the~~
10 ~~material's manufacturer certifying that the windows with the~~
11 ~~material installed according to manufacturer's instructions meets~~
12 ~~the requirements of this subdivision and identifies the material's~~
13 ~~manufacturer by full name and street address.~~

14 ~~(5) If the material described in this subdivision tears or bubbles,~~
15 ~~or is otherwise worn to prohibit clear vision, it shall be removed~~
16 ~~or replaced.~~

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